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From: Jan Huss for SAM L. NGUYEN
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No. of Pages: 14 (including cover)
Date: July 15, 2004

Re: U.S. Patent Application Serial No. 10/070,489
Filed: September 17, 2002
Title: **NUCLEOTIDE SEQUENCES ENCODING AN INSECTICIDAL PROTEIN
COMPLEX FROM SERRATIA**
Inventors: GLARE et al
Our Reference: 24747-1104US

Please see the accompanying Transmittal Form and Amendment and Response to the Office Communication, mailed on June 28, 2004, for the above referenced application. Thank you.

SV 473411 v1

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/070,489 |
| | | Filing Date | September 17, 2002 |
| | | First Named Inventor | GLARE et al. |
| | | Group/Art Unit | 1638 |
| | | Examiner Name | Anne R. Kubelik |
| Total Number of Pages in This Submission | 13 | Attorney Docket Number | 24747-1104 US |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response (12 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): |
| Remarks: AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (Docket No. 24747-1104) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER. | | |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT | | | |
|---|---|------------------|-------|
| Firm or Individual name | Sam L. Nguyen, Reg. No. 52,496, HELLER EHRMAN WHITE & McAULIFFE LLP | | |
| Signature | | | |
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| Typed or printed name | Jan Huss | | |
| Signature | | Date | July 15, 2004 |

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Practitioner's Docket No. 24747-1104US

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In re application of: GLARE et al.

) Confirmation No. 6955

Serial No.: 10/070,489

) Group No.: 1638

Filed: September 17, 2002

) Examiner: Anne R. Kubelik

For: NUCLEOTIDE SEQUENCES ENCODING)
AN INSECTICIDAL PROTEIN COMPLEX)
FROM SERRATIA)

OFFICIAL

Mail Stop 'AMENDMENT'
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450AMENDMENT AND RESPONSE TO OFFICE COMMUNICATION

Responsive to the Office Communication mailed on June 28, 2004, in connection with the above-identified patent application, a copy of which is enclosed, please consider the following amendments and remarks.

Amendments to the Specification begin on page 2 of this paper.

Amendment to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 10 of this paper.